

Application No.: 10/757,746  
Filing Date: January 15, 2004  
Page: 2

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (Currently Amended) A biaxially oriented polyester film which has a base layer (B) and comprises at least one overlayer (A),

wherein the base layer (B) comprises

(i) polyester consisting essentially of polyethylene terephthalate, polyethylene 2,6-naphthalate, poly-1,4-cyclohexane-dimethylene terephthalate, polyethylene 2,6-naphthalate bibenzoate and mixtures thereof;

(ii) poly(m-xylenedipamide) having a melt viscosity smaller than 2000 poises and said overlayer (A) comprises said polyester and up to 20% by weight of said poly(m-xylenedipamide), based on the weight of the overlayer (A), and further exhibits a gloss of greater than 100,

said polyester film exhibiting an oxygen transmission (OTR) smaller than  $50 \text{ cm}^3 \text{ m}^{-2} \text{ d}^{-1}$  bar<sup>-1</sup> and an opacity of less than 20%.

2. (Original) The polyester film as claimed in claim 1, wherein the base layer (B) comprises from 4 to 50% by weight of poly(m-xylenedipamide), based on the weight of the base layer (B).

3. (Original) The polyester film as claimed in claim 1, wherein not only the base layer (B) but also the overlayer (A) comprises poly(m-xylenedipamide).

4. (Canceled)

Application No.: 10/757,746  
Filing Date: January 15, 2004  
Page: 3

5. (Canceled) Please cancel Claim 5.

6. (Canceled) Please cancel Claim 6.

7. (Currently Amended) The polyester film as claimed in claim ~~[[6]]~~ 1, wherein the thermoplastic polyester of the base layer (B) has at least one of either ethylene glycol units and terephthalic acid units, or ethylene glycol units and naphthalene-2,6-dicarboxylic acid units.

8. (Currently Amended) The polyester film as claimed in claim ~~[[6]]~~ 1, wherein the polyester of the base layer (B) has ~~isophthalic acid units~~ ~~[[.]]~~ terephthalic acid units, and ethylene glycol units.

9. (Currently Amended) The polyester film as claimed in claim ~~[[6]]~~ 1, wherein polyethylene terephthalate is used as polyester of the base layer (B).

10. (Original) The polyester film as claimed in claim 1, which has an A-B-C layer structure, A and C being overlayers which may be identical or different.

11. (Currently Amended) The polyester film as claimed in claim ~~[[6]]~~ 1, wherein the overlayers comprise the polyester used for the base layer (B).

12. (Canceled)

13. (Currently Amended) The polyester film as claimed in claim 1, which has an oxygen transmission (OTR) smaller than ~~50~~ 40  $\text{cm}^3 \cdot \text{m}^{-2} \cdot \text{d}^{-1} \cdot \text{bar}^{-1}$ .

14. (Currently Amended) The polyester film as claimed in claim 1, which has an opacity smaller than ~~20~~ 15 % and a planar orientation of less than 0.160.

Application No.: 10/757,746  
Filing Date: January 15, 2004  
Page: 4

15. (Original) The polyester film as claimed in claim 1, wherein the overlayer (A) has an average roughness  $R_a$  smaller than 100 nm.

16. (Previously Presented) The polyester film as claimed in claim 1, wherein the overlayer (A) further comprises filler and the filler concentration in the overlayer (A) is less than 0.5% by weight.

17. (Original) A process for producing a polyester film as claimed in claim 1, encompassing the steps of

- a) producing a multilayer film by coextrusion and shaping the melts to give flat melt films
- b) biaxial stretching of the film, and
- c) heat-setting of the stretched film.

18. (Original) Packaging film comprising polyester film as claimed in claim 1.

19. (Previously Presented) A polyester film according to Claim 1, wherein said overlayer (A) does not include poly(m-xylenedipamide) and said overlayer (A) exhibits a gloss of greater than 110.

20. (Previously Presented) A polyester film according to Claim 1, wherein the base layer (B) consists essentially of polyester, poly(m-xylenedipamide) and at least one additive selected from one or more stabilizers and one or more antiblocking agents.

21. (Canceled) Please cancel Claim 21.

22. (New) A biaxially oriented polyester film comprising a base layer (B) and at least one overlayer (A), said base layer (B) and overlayer (A) comprising  
(i) polyester consisting essentially of

Application No.: 10/757,746  
Filing Date: January 15, 2004  
Page: 5

(a) one or more aromatic carboxylic acids selected from terephthalic acid, naphthalene-2,6-dicarboxylic acid, biphenyl-4,4'-dicarboxylic acid, and isophthalic acid and

(b) one or more diols selected from 1,4-bishydroxymethylcyclohexane and ethylene glycol,

(ii) poly(m-xylenedipamide) having a melt viscosity smaller than 2000 poises and optionally

(iii) an additive consisting essentially of

(a) one or more stabilizers and/or

(b) one or more antiblocking agents,

wherein said polyester film exhibits an oxygen transmission (OTR) smaller than  $50 \text{ cm}^3 \text{ m}^{-2} \text{ d}^{-1} \text{ bar}^{-1}$  and an opacity of less than 20%.